

REFERENCE: P/21/1111/OUT
APPLICANT: Mr D Nicholas
5 Railway Terrace, South Cornelly, Bridgend CF33 4RW
LOCATION: 5 Railway Terrace, South Cornelly, Bridgend CF33 4RW
PROPOSAL: Construction of a new bungalow in garden (Outline application)
RECEIVED: 14 December 2021
SITE INSPECTED: 07 January 2022 and 13 May 2022

APPLICATION/SITE DESCRIPTION

Outline Planning permission is sought for the erection of a single detached residential dwelling on land at 5 Railway Terrace, South Cornelly (towards the rear of 3 - 6 Old Church Close).



Figure 1 – Site location plan

The application has been submitted in Outline with all matters reserved for future consideration although under the provisions of the Town and Country Planning (Development Management Procedure) Wales Order 2012 (as amended) the application includes indicative drawings and supporting information that illustrate the likely scale and siting of the building, means of access and amenity space provision. The details specify that the dimensions of the dwelling which would follow a dormer style bungalow design would be:

- 9 Metres in depth,
- 15 Metres in length,
- 7.5 Metres in height

It is indicated the dwelling would be set towards the south-eastern corner of the plot with a distance of approximately 9.9m to 10.5m from the rear boundaries of properties along Old Church Close to the west, a boundary that is defined by an existing significant and high hedge.

A bungalow style property with front dormers (facing west) is indicatively proposed at the site that would likely accommodate a maximum of three bedrooms. A private garden space

measuring approximately 21m by 12m would be created to the south of the dwelling building with further private amenity space to the front, west of the building. Off-street car parking space and an appropriate turning area would be created to the immediate north of the dwelling. Pedestrian and vehicle access to the plot would be from the northeast off Railway Terrace/Lamb Row; the access point effectively being shared with a further single residential unit that was granted Planning permission by the Development Control Committee on 23 July 2020 (P/19/464/FUL refers).



Figure 2 – Illustrative site layout



Figure 3 – Illustrative elevations and site sections of the outline proposal

The site comprises a largely vacant linear parcel of land that currently appears to be used as an extension to the applicant's garden at 5 Railway Terrace and is used to accommodate a small number of chickens and ducks. The wider area has been developed on a slope that rises from west to east but the development site itself is a relatively flat grassed area.

The red line submission (application site) covers an area of approximately 0.15 hectares where there are a small number of wooden type structures, a storage container and a polytunnel visible on the site that would effectively be removed to facilitate the development. There is a significant level of planting and tree lines in and around the site

with a mature hedge (laurel) defining the western boundary of the site that significantly screens the site from the rear of properties along Old Church Close.

The site is located within the settlement boundary of South Cornelly as defined by Policy PLA1 of the Bridgend Local Development Plan 2013. The site is also located within a mineral safeguarding/buffer zone and therefore Policy ENV10 of the Bridgend Local Development Plan 2013 is of relevance. There are a number of protected trees located on the north-eastern boundary of the site and the site is surrounded by existing residential dwellings with Planning applications also being recently granted for other infill residential developments in close proximity to the application site.

The application is supported by a Preliminary Ecological Assessment and a Tree Survey/Constraints Plan.



Figure 4 – Photographs of the application Site (viewed from the North)

RELEVANT HISTORY

5 Railway Terrace, South Cornelly

P/21/780/OUT - New build of two dwellings in garden
Withdrawn 3 November 2021

P/06/564/Ful - Rear living room/utility room extension & conservatory
Granted 21 June 2006

Land north of 1 Railway Terrace, South Cornelly

P/21/457/OUT - Proposed new dwelling
Granted (with conditions) 23 August 2021

Former Three Horse Shoes Public House, Lamb Row, South Cornelly

P/19/464/FUL - Erection of one detached dwelling (land adjacent to)
Granted (with conditions) 23 July 2020.

P/10/699/FUL - Pair of semi-detached 2 bed houses & detached 2 bed bungalow (former Public House) – Granted (with conditions) 19 November 2010.

NEGOTIATION

The applicant was requested to provide more appropriate and accurate illustrative details of the development along with likely dimensions of the proposed dwelling. The applicant was also requested to serve Notice on the adjacent landowner where the proposed means of access would be created/shared to the site. It was also requested that a detached garage structure be removed from the scheme to reduce the impact of the scheme on

properties along Old Church Close (to the west) and improve highway circulation and vehicle movements at the site.

Members are also advised that the applicant submitted an earlier Outline Planning application to develop two properties at the site that was subsequently withdrawn (P/21/780/OUT refers). The scheme was considered to represent an inappropriate overdevelopment of the site and raised a number of material Planning concerns. The applicant has however revised the nature of the development to a single residential unit in this case.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 17 May 2022.

CONSULTATION RESPONSES

Cornelly Community Council - Consulted 10/01/2022 on the application, no comments received in respect of the development proposal.

Welsh Water Developer Services - No objection subject to condition/advisory notes.

Biodiversity Policy & Management Officer - No objection subject to conditions.

Highways Officer - No objection subject to conditions.

Drainage Officer - No objection subject to condition.

SRS - Shared Regulatory Services - No objection subject to conditions.
(Public Protection: Contaminated Land)

Glamorgan Gwent Archaeological Trust (GGAT) - At the time of writing this report no comments were received on the scheme although when commenting on the immediately adjacent development that would share the same point of access (P/19/464/FUL refers), GGAT recommended the need for archaeological mitigation due to the potential impact to medieval remains in particular.

REPRESENTATIONS RECEIVED

The Owners/occupiers of 3, 4 and 5 Old Church Close to the west of the development site raise objections against the proposal. The concerns and objections raised are summarised as follows:

- Loss of privacy and overlooking impact.
- The development site is higher and the property would face directly towards the garden spaces and rear elevations of properties along Old Church Close with privacy being invaded.
- The proposed house has dormer windows which appear to face the neighbouring properties - surely it would be better if they did not face the existing houses.
- The Laurel bushes and trees provide screening and privacy and should not be removed.
- Once a secluded and quiet position any application for a building on this site should be rejected.
- The development would block morning sunshine which is already significantly affected by the high hedge particularly during the early morning. The proposed dwelling would make this situation worse and exacerbate the feeling of living in a trench.

- Considerable amount of Japanese Knotweed exists on the site and needs to be appropriately managed.
- The plot has had significant recurring growths of Japanese Knotweed in the last 10 years – any build process could spread this invasive to neighbouring plots. If this happens a Community Protection Notice against any stakeholder for causing a nuisance would be undertaken and prosecution sought.
- How would the building affect the stone boundary wall that has already been weakened by the poor weather conditions and blasting from the quarry.
- The new plans have a garage being built close to the old stone boundary wall and any digging near this could cause disturbance.
- Already high risk and levels of dust pollution in the area and a building site would only create more dust pollution.
- The disruption and noise of having a building site just metres away from existing houses would have a hugely detrimental impact on home working and home businesses and would likely cause tremendous stress levels.
- As a minimum the house should be rotated and the dormers should face away from the properties along Old Church Close.
- Concerns are also raised about other development in the area overlooking and overshadowing the objectors' properties although this is not considered material to the determination of the new application under consideration.

COMMENTS ON REPRESENTATIONS RECEIVED

The likely impact of the scheme on the levels of privacy and residential amenity currently enjoyed in the locality are fully considered in the Appraisal Section of this report although subject to the retention and maintenance of the high boundary hedge on the western boundary of the site that currently and would continue to significantly screen the development site from the rear garden spaces and residential properties along Old Church Close, the scheme is considered to be acceptable in residential amenity and privacy terms.

A solid further boundary treatment or fence could also be sited in close proximity to the hedge to further screen the development which could be controlled under an appropriate boundary treatments condition should Planning permission be granted for the development.

Furthermore, approximately 10.5 metres would also be retained from the western boundary of the site and the likely siting of the first-floor dormers within the roof space of the property that is compliant with Council guidance and policy (Supplementary Planning Guidance 02 – Householder Development) and ensures an appropriate offset would be retained between the proposed west facing windows within the new dwelling and existing properties along Old Church Close. The plans submitted also illustrate 21m would be maintained between the new building and the main rear elevations of properties along Old Church Close. On this basis and when acknowledging the Outline nature of the development proposal which would be subject to a more detailed Reserved Matters application, it is considered a dwelling could be accommodated at the site in the general manner proposed without seriously overlooking or affecting the privacy of neighbouring plots.

The dwelling building would also have an appropriate offset, siting and level of screening, particularly compared to the existing situation at the site to raise no serious overbearing or overshadowing concerns. A detached garage structure proposed in much closer proximity to the rear boundaries of properties along Old Church Close, has also been completely removed from the scheme which is also likely to reduce the impact of the development on the boundary wall and existing boundary treatments to the west of the site.

The supporting Preliminary Ecological Assessment that supports the scheme highlights there is no Japanese Knotweed within the boundaries of the application site although it is present in very close proximity to the site and this needs to be carefully monitored to ensure the species does not spread, as Japanese Knotweed is noted as an invasive non-native species on the Wildlife and Countryside Act 1981 meaning that it is unlawful to allow the species to spread to the wider environment.

On this basis and in light of the residents' comments and concerns in this respect, as a precautionary measure, a condition is recommended to ensure the submission of an appropriate clearance methodology for the site.

It is acknowledged that construction disturbance and general disruption including noise and dust creation can be experienced as a result of any development works, however, for a development of the scale and nature being proposed this is not considered a valid or justified reason to warrant the refusal of the Planning application. This would be of a temporary nature and not pose such harmful impacts on the amenities of the nearby occupiers over the longer term.

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises of the Bridgend Local Development Plan 2006-2021 (LDP) which was formally adopted by the Council in September 2013 and within which the following Policies and Supplementary Planning Guidance (SPG) are of relevance:

- Policy SP1 – Regeneration Led Development
- Policy SP2 – Design and Sustainable Place Making
- Policy SP3 – Strategic Transport Planning Principles
- Policy SP4 – Conservation and Enhancement of the Natural Environment
- Policy SP12 – Housing
- Policy SP14 - Infrastructure
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA10 – Safeguarding of Disused Railway Infrastructure
- Policy PLA11 – Parking Standards
- Policy ENV6 – Nature Conservation
- Policy ENV9 – Development in Mineral Safeguarding Areas
- Policy ENV10 – Development within Mineral Buffer Zones
- Policy ENV7 – Natural Resource Protection and Public Health
- Policy ENV15 – Waste Management in New Development
- SPG02: Householder Development
- SPG08: Residential Development
- SPG17: Parking Standards
- SPG19: Biodiversity and Development: A Green Infrastructure Approach

National Planning Policy

National Planning guidance in the form of Future Wales – the National Plan 2040 (February 2021) and Planning Policy Wales (Edition 11, February 2021) (PPW) are of relevance to the determination of this application.

Paragraph 1.30 of PPW confirms that... *Development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding planning applications.*

All development decisions...should seek to contribute towards the making of sustainable places and improved well-being. (Paragraph 2.2 of PPW refers)

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all. (Paragraph 2.3 of PPW refers)

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people. (Paragraph 2.7 of PPW refers)

PPW states at paragraphs 2.22 and 2.23 that the Planning system should *ensure that a post-Covid world has people's well-being at its heart and that Planners play a pivotal role...in shaping our society for the future, prioritising placemaking, decarbonisation and well-being. As society emerges from the pandemic the needs of communities must be recognised and the Planning system has a role to play in ensuring development is appropriately located to provide both physical and mental health benefits, improve well-being and help to reduce inequality.*

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes (TAN). The following are of relevance:

- Technical Advice Note 5 – Nature Conservation and Planning (2009).
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 – Transport (2007).

Well-being of Future Generations Act 2015

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to the Development Control Committee to consider the objections received from local residents.

The application seeks Outline consent for the erection of one dwelling with all matters reserved on land at 5 Railway Terrace, South Cornelly.

The main issue to consider in the determination of this application is the principle of the development and, whilst acknowledging that this is an Outline application, the likely impact of the scheme on the character and appearance of the existing locality, the impact on neighbouring properties, highway safety, drainage and ecology are further considerations in this case.

Principle of the Development

The application site lies within the settlement boundary of South Cornelly as defined by Policy PLA1 of the Bridgend Local Development Plan, 2013 (LDP). Policy COM3 Residential Re-Use of a Building or Land states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small-scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other Policy protects the building or land for an existing or alternative use. The proposed site would be classed as a vacant/small site under Policy COM3, which makes an important contribution to the overall housing supply and introduces an important element of choice and flexibility into the housing market. The site is not allocated for a specific use and therefore residential development would be considered compatible with the locality and acceptable in principle.

The site is located within a Quarry Buffer Zone (ENV10) the purpose of which is to preserve mineral resources for future generations, prevent the mineral resource from being sterilised and ensure that proposed development is of a scale and type that will not be adversely affected by quarrying activity. The site lies close to Cornelly Quarry which is currently active but there would appear to be limited prospect of it being extended towards the settlement and associated residential properties of South Cornelly. In view of this, it is considered that the scale and nature of the proposed development would have no significant impact on the possible working of the resource.

Also, part of the application site comprises a former railway line and therefore Policy PLA10 of the LDP is of relevance. Whilst Policy PLA10 seeks to safeguard the use of the disused railway infrastructure, from a further assessment of the site, it was evident that the wider stretch of the former railway line along the eastern side of South Cornelly is no longer realistically available or suitable for any transport related development due to the location of the new road and other developments, both residential and employment, that have taken place in the vicinity since the closure of the railway line in the mid-1960s. In view of the above, the proposed dwelling is considered to comply with Policy PLA10

In conclusion, the principle of residential development at this site accords with Policies PLA1, COM3, ENV10 and PLA10 of the LDP and is therefore considered acceptable.

Impact on the character and appearance of the locality

Whilst noting the Outline nature of the application, Policy SP2 of the LDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

The new development in itself, given the somewhat screened and secluded nature of the site and level of vegetation growth in and around the site, is unlikely to give rise to any

significant adverse visual impact. Whilst acknowledging the Outline nature of the proposal, in line with the indicative drawings and scaled parameters submitted for the Outline scheme, it is considered that a residential building could be appropriately designed on the site that would not significantly harm the visual amenities of the existing locality.

Notwithstanding the above, the specific layout, design and architectural detailing of the proposed dwelling building would be subject to careful consideration at any subsequent Reserved Matters application should Outline Planning permission be granted however, at this stage the proposal in visual terms is not likely to be so detrimental to the visual amenities of the area to warrant refusal of the application in this regard. It is also considered that the proposed site could accommodate a single dwelling of the scale and dimensions indicated without leading to the overdevelopment of the site whilst also accommodating appropriate parking and amenity space for the unit. The proposed plot is comparable in scale to other neighbouring residential plots that have been developed in the area (if not larger) and importantly the applicant has positively negotiated and liaised with the Local Planning Authority to find a suitable development proposal in this case with it being fully acknowledged a much more intensive scheme for four dwellings and two dwellings were originally considered by the applicant for this location.

It is highlighted that few trees would be removed to facilitate the development with the 'leafy' green feel of the site being retained and the building appropriately integrating with the current setting of the site. A small number of trees would be removed to facilitate the new access to the site although this would be a shared access with the recently approved adjacent development to the immediate north with the principle of this aspect of the development already being accepted through the granting of Planning application P/19/464/FUL. This previously approved scheme also agreed a level of re-planting to mitigate the loss of the trees to facilitate the new access to the site although it would be prudent to attach a condition to any approved consent to ensure the appropriate landscaping and maintenance of the green characteristics of the application site is also fully achieved in this case. A condition is also suggested to ensure that the materials used in the external surfaces of the proposed dwelling are suitable and in keeping with the locality.

Accordingly, it is considered that the proposed development accords with Policy SP2 of the LDP and in principle raises no serious visual amenity concerns.

Impact on neighbouring Residential Properties

In terms of the impact on residential amenity and whilst noting the Outline nature of the proposal, it is considered that the single detached dwelling would not on balance have a significant adverse impact on the residential amenities of the existing neighbouring properties. With due regard to the submitted indicative drawing and the existing site context, the dwelling would be sited with an acceptable offset and level of separation and screening from the rear elevations and associated garden spaces of nearby properties.

Whilst fully acknowledging and carefully considering the objections received from residents within Old Church Close to the west of the site, a distance of approximately 21m would be retained from the west facing elevation of the new dwelling unit and the existing main rear elevations of properties along Old Church Close that abut the west of the application site. Between 9.9 metres and 10.5 metres of garden space would also be retained between the new building and the western boundary of the site and importantly it is detailed that a high hedge would be retained along the western boundary of the site to fully screen the development from the nearest neighbouring properties. A further solid boundary could be introduced at the site inside the hedgerow to further aid the screening between the plots and recommended conditions would ensure these boundary treatments are retained in perpetuity at the site to ensure levels of privacy are adequately maintained. The

development proposal would also have an acceptable relationship to the existing and proposed residential units situated towards the east/southeast of the site along Railway Terrace and the new dwelling proposed to the immediate north of the site, which would utilise a shared access point. The scheme for a single residential unit on the site is also unlikely to raise any adverse overbearing or overshadowing concerns given the separation distances involved and the characteristics of the site.

Careful regard would however need to be given to the detailed design and position of the habitable room windows within the dwelling at the Reserved Matters stage to fully ensure the privacy levels enjoyed by neighbouring properties are appropriately safeguarded. Nevertheless, it is considered that it would be possible to design a satisfactory arrangement for the dwelling so that it would comply with Council guidance in terms of amenity protection (SPG 02) and therefore, in principle the proposed development could be compatible with neighbouring residential properties.

Given the size of the plot and the position and design of the access to the site it is unlikely that the intensified use of the site for residential purposes would give rise to a substantial or harmful increase in the general levels of noise and disturbance to neighbouring residents, particularly as a result of increased traffic movements.

It is also considered the level of amenity space serving the proposed dwelling would be adequate for future occupiers of the development.

Highway safety

The Council's Transportation Officer has been consulted on the scheme and has carefully considered the transportation implications of the proposal with no objections being raised against the scheme.

It is noted that the application is in Outline with all matters reserved however the newly proposed access to this site via the adjoining landowner is considered a significant part of the acceptability of the proposal. A new access has been consented as part of an application for a single dwelling on the adjoining land (P/19/464/FUL refers) which is required to gain safe access to this proposal site. As such, a condition is requested that this dwelling cannot be beneficially occupied until the new access is constructed and in use. In respect of wider active travel access to the site and the improvement of footways leading to the site, these requirements can be considered at the Reserved Matters stage should Outline Planning permission be granted for the development. At this stage the development raises no in-principle concerns in terms of highway and pedestrian safety.

Accordingly, and subject to the imposition of appropriate conditions, the proposed development accords with Policy SP2 (6) and SP3 of the Bridgend Local Development Plan 2013.

Drainage

The Council's Drainage Officer and Welsh Water have raised no objection to the proposed development subject to the imposition of a condition requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the Local Planning Authority prior to any works commencing on the site which accords with Policy SP2 (13) of the LDP. The applicant is also advised that SAB approval is required for the proposed development.

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must in exercising its function have regard so far as is consistent with the proper exercise of those functions to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems

duty” under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016.

Section 6 (1) states that “a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.” Section 6(2) goes on to state that “In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.”

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The Council's Biodiversity Policy and Management Officer has reviewed the Planning application and the supporting information that accompanies the submission including the submitted Preliminary Ecological Assessment. No principle objections are raised against the scheme although it is recommended the mitigation measures and recommendations of the Ecological Assessment in respect of on site inspections by a qualified ecologist prior to works commencing in particular and appropriate timing of the works are conditioned as part of any approved consent at the site. Conditions in respect of the landscaping of the site and the appropriate protection of retained trees are also recommended.

On this basis and given the nature and existing characteristics of the application site which comprises part of an extended residential curtilage of 5 Railway Terrace and the aim to largely retain and enhance where appropriate the existing green infrastructure in and around the site, it is considered that overall there will be no significant adverse residual impacts on biodiversity.

Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

Other Matters

Information in the Historic Environment Record curated by The Glamorgan-Gwent Archaeological Trust (GGAT) shows that a manorial chapel and burial ground are located in this area of South Cornelly. The application area is situated in close proximity to these remains and it is a possibility that medieval remains may be sited within the development area. It is considered that whilst the ground has previously been disturbed by the railway and previous dwellings, it is still likely that archaeological finds and features may exist within the proposed application site. Furthermore, GGAT has previously recommended

archaeological mitigation for other developments located within the immediate vicinity due to the potential impact in particular to medieval remains.

Accordingly, it is recommended that a condition is imposed upon any consent granted to require a written scheme of investigation for a programme of archaeological work to be submitted to the Local Planning Authority prior to the commencement of development.

The Council's Shared Regulatory Services/Public Protection (Contamination) Officer has highlighted that the application site has been identified as part of a former railway. Activities associated with this use may have caused the land to become contaminated and may give rise to potential risks to human health and the environment for the proposed end use. The inclusion of conditions requiring contamination assessment and any necessary remediation is therefore requested in this case.

Should there be any importation of soils to develop the garden/landscaped areas of the development or any site won recycled material or materials imported as part of the construction of the development, it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Shared Regulatory Services therefore requests the inclusion of a number of conditions and informative statements to ensure that the safety of future occupiers is not prejudiced in accordance with Policy ENV7 of the Bridgend County Borough Council Local Development Plan. On this basis, the scheme raises no serious land contamination concerns.

CONCLUSION

Having regard to the above and in view of the Outline nature of the application, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the consideration of the application however, it is considered that on balance they do not outweigh the other material considerations in favour of the development with the Outline proposal representing an appropriate and compatible form of infill residential development within settlement limits.

RECOMMENDATION

(R05) That Outline planning permission be GRANTED subject to the following conditions in addition to the standard conditions:-

1. The consent hereby granted shall be limited to the construction of one detached dwelling with a maximum ridge height of 7.5m and shall be carried out broadly in accordance with the following approved plans and documents:

Proposed Ground Floor Plan/Site Layout (Draw.No. PL03 Rev.B)

Proposed Roof Plan (Draw.No. PL04 Rev.B)

Proposed Site Sections Elevations (Draw.No. PL05 Rev.B)

The Results & Analysis Section (Required Mitigation Measures) of the Preliminary Ecological Assessment (PEA) (July 2021) prepared by Jen Pilkington Ecological Services.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of protecting the safety and free flow of traffic on the surrounding highway network.

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and to comply with Policy SP2 of the Bridgend Local Development Plan.

3. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: To ensure that the general amenities of the area are protected.

4. No development shall take place until details of the proposed floor levels of the dwelling in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including the future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use of the dwelling commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

6. No development shall take place until full details of both hard and soft landscape works have been submitted and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.

8. The hedge to the western boundary of the application site, positioned adjacent to the rear of properties along Old Church Close, shall be retained in perpetuity as part of the

development proposal.

Reason: In the interests of visual amenities and safeguarding residential amenities.

9. No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for tree and root protection measures including barrier fencing for all existing trees and hedgerows (to be retained) on and adjacent to the site. The agreed scheme shall be implemented prior to and for the duration of the development of the site.

Reason: In the interests of biodiversity and to preserve the character and appearance of the application site.

10. No development shall take place until an invasive species management plan which includes full details of a scheme for its eradication and/or control has been submitted to and agreed by the Local Planning Authority. Works shall be carried out in accordance with the agreed details.

Reason: In the interests of controlling invasive species and safeguarding general amenities.

11. No development shall take place until the applicant or their agents or successors in title have prepared a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on Drawing number PL03 Rev B – Proposed Ground Floor Plan/Site Layout.

Reason: To enable the Local Planning Authority future control over the scale of development, in the interests of the residential amenities of adjacent properties and to comply with Policy SP2 of the Bridgend Local Development Plan 2013.

13. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site whether or not it originates on the site.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

14. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme approved must be fully undertaken in accordance with its terms prior to the occupation of any part of the dwelling. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. The access drive and turning facility shall be completed in permanent materials in accordance with the submitted details prior to the development being brought into beneficial use and shall be retained and maintained in perpetuity thereafter.

Reason: In the interests of highway safety and to ensure a satisfactory form of development.

16. The access into the site hereby approved shall be at a gradient not steeper than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12).

Reason: In the interests of highway safety.

17. No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

18. Any entrance gates on the access from the adjoining property into this site shall be set back not less than 5 metres from the boundary.

Reason: In the interests of highway safety.

19. No development shall commence until a scheme for permanently stopping up the existing access and reinstating the vehicular crossing as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a. Having regard to the above and in view of the Outline nature of the application, the proposal is recommended for approval because the development complies with Council policy and guidelines. It is considered that the scheme would not have an unacceptable impact on the visual amenities of the locality, would not harm privacy or neighbours' amenities or highway safety and would not unduly compromise land drainage or ecology.

The issues raised by local residents have been taken into account during the

consideration of the application however, it is considered that on balance they do not outweigh the other material considerations in favour of the development with the Outline proposal representing an appropriate and compatible form of infill residential development within settlement limits.

- b. No surface water is allowed to discharge to the public highway.
- c. No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.
- d. As of 7 January 2019, proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. Please note Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
- e. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
- f. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- g. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.
- h. Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.
- i. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

- j. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.
- k. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to Section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None